

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER TERRY,

Plaintiff,

-against-

CITY OF NEW YORK; CAPT. BERNARD  
MATHIS; JOHN HERNANDEZ, Shield No.  
1806; SECURITY CO MARTINEZ; CO  
WELLS, Shield No. 13745; CO MASONI,  
Shield No. 1134; SECURITY DEPUTY  
GALLOWAY; WARDEN SWARUREZ,

Defendants.

20-CV-0993 (LLS)

ORDER OF DISMISSAL

LOUIS L. STANTON, United States District Judge:

Plaintiff, currently detained in the George R. Vierno Center (GRVC) on Rikers Island, brings this action *pro se*. By order dated February 13, 2020, Chief Judge McMahon granted Plaintiff's application to proceed *in forma pauperis* (IFP). By order dated March 6, 2020, Chief Judge McMahon directed Plaintiff to submit an amended complaint within sixty days to address the deficiencies she identified in Plaintiff's original complaint. That order further stated that if Plaintiff failed to comply within the time allowed, and could not show good cause to excuse such failure, the Court would dismiss the complaint for failure to state a claim on which relief may be granted.

On April 7, 2020, the Court received a letter from Plaintiff stating that he did not file this action, and that another inmate, Alex Williams, filed it in his name and without his permission.

Plaintiff writes:

I just got a federal lawsuit in the mail that I did not file. This has been happening for a while now. It [is] an inmate name[d] Alex Williams 141-18-01632 that is filing law suits in everybody['s] name and he is putting lawsuits in my name without permission. I DON'T WANT NOTHING TO DO WITH THIS LAW SUIT!

(ECF No. 7, at 1) (emphasis in original).

Plaintiff further states that he now owes \$1,050 in filing fees for lawsuits that he did not file, and he asks the Court to “[p]lease write Alex Williams & tell him to stop.” (*Id.*)

Plaintiff currently has three actions pending before three different judges in this court, and his letter does not specify the case number to which he is referring.<sup>1</sup> The Court is nonetheless satisfied it is this action that Plaintiff seeks to withdraw. He addressed his letter to Chief Judge McMahon, and this action is the only one of Plaintiff’s actions over which Chief Judge McMahon was presiding. Moreover, the Clerk’s Office received Plaintiff’s letter several weeks after it mailed him a copy of Chief Judge McMahon’s order to amend the complaint in this action.

Accordingly, the Court grants Plaintiff’s request to withdraw this action under Rule 41(a) of the Federal Rules of Civil Procedure.

### CONCLUSION

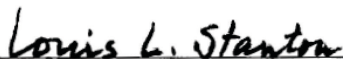
The complaint is voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a).

The Clerk of Court is directed not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff is directed to suspend any previously authorized monetary deduction from Plaintiff’s prison trust account for this lawsuit.

This order will be mailed in chambers.

SO ORDERED.

Dated: June 11, 2020  
New York, New York

  
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Louis L. Stanton  
U.S.D.J.

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<sup>1</sup> The case number hand-written on the upper right-hand corner of the letter was likely placed there by Clerk’s Office staff in the course of processing the submission.